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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,505	01/22/2004	Bohus Ondrusek	60001.271US01	7248
27488	7590	06/13/2006	EXAMINER	
MERCHANT & GOULD (MICROSOFT)			BELL, CORY C	
P.O. BOX 2903			ART UNIT	PAPER NUMBER
MINNEAPOLIS, MN 55402-0903			2164	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,505	<b>Applicant(s)</b> ONDRUSEK ET AL.	
	<b>Examiner</b> Cory C. Bell	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

1. Claims 1-26 have been examined.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 and 20-26 are rejected under 35 USC 112 2<sup>nd</sup> paragraph.
4. *As per Claim 1*, the relationship between binaries on the last line and the previous recitations of binaries is unclear.
5. *As per Claim 3*, the relationship between “the dependency types” and “at least one dependency type” is unclear.
6. *As per Claim 6*, “the dependency” lacks antecedent basis.
7. *As per Claim 7*, the relationship between binaries and specific binaries is unclear.
8. *As per Claim 9*, the relationship between “dependency information” in claims 9 and 1 is unclear.
9. *As per Claims 20-26*, the claims appear to be directed to both a process and a product. Further clarification is required.

#### *Claim Rejections - 35 USC § 101*

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20-26 rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. A computer-readable medium does not have the ability to perform steps.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

12. Claims 1-26 are rejected under 35 U.S.C. 102(a) as being anticipated by “Managing Dependencies in Component-Based Systems Based on Matrix Model” by Bixin Li provided in applicant information disclosure statement.

13. *As per Claim 1* Li discloses the features as follows,

1. A method for linking binary dependency relationships, comprising: obtaining dependency relationships relating to binaries{Section 3.4 teaches a Dependency Matrix, for which dependency relationships relating to the binaries must be obtained to create the matrix} ; storing the dependency relationships within a binary dependency database{The dependency matrix is inherently stored in some data structure, which is a binary dependency database using the broadest reasonable interpretation}; and providing dependency information relating to the binaries that links dependencies that may span across binaries and functions.{Section 3.4 Dependency Matrix}

14. *As per Claim 2* Li discloses the features as follows,

2. The method of claim 1, further comprising, classifying the dependency relationships into dependency types.{Section 3.4 second paragraph}

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15. *As per Claim 3* Li discloses the features as follows,

3. The method of claim 2, wherein classifying the dependency relationships into the dependency types further comprises selecting at least one dependency type from a static type and a dynamic type. {Section 3.4 shows dynamic types using the broadest reasonable definition}

16. *As per Claim 4* Li discloses the features as follows,

4. The method of claim 2, further comprising determining a strength of a bond relating to the binaries. {Section 1 teaches dependencies being explicit direct, explicit indirect, implicit direct, and implicit indirect which show different bond strengths between dependencies}

17. *As per Claim 5* Li discloses the features as follows,

5. The method of claim 4, further comprising determining at least first order dependencies. {Section 3.4 dependency matrix shows at least first order dependencies}

18. *As per Claim 6* Li discloses the features as follows,

6. The method of claim 5, further comprising determining a likelihood of whether the dependency is required. {Section 3.5}

19. *As per Claim 7* Li discloses the features as follows,

7. The method of claim 4, further comprising performing analysis regarding a footprint associated with specific binaries. {Sections 3.4 and 3.5 and 4.1 analyzing file dependencies is regarding the footprint of the files included in those dependencies}

20. *As per Claim 8* Li discloses the features as follows,

8. The method of claim 4, further comprising determining binary dependency clusters within the binaries. {Section 4.1}
21. *As per Claim 9* Li discloses the features as follows,  
9. The method of claim 1, further comprising using a vector to represent dependency information for one of the binaries. {Section 3.4 one row of the matrix}
22. *As per Claim 10* Li discloses the features as follows,  
10. The method of claim 9, further comprising creating a dependency matrix comprising at least two of the vectors. {Section 3.4 dependency matrix}
23. *As per Claim 11* Li discloses the features as follows,  
11. The method of claim 10, wherein the dependency matrix is an nth order dependency matrix. {Section 3.4 dependency matrix}
24. *As per Claim 12* Li discloses the features as follows,  
12. The method of claim 10, further comprising obtaining a full dependency matrix{Section 3.4 dependency matrix} and identifying binary circular dependency clusters. {Section 4.1}
25. *As per Claim 13* Li discloses the features as follows,  
13. The method of claim 1, wherein obtaining the dependency relationships relating to the binaries further comprises determining static and dynamic dependencies. {Section 3.4 shows dynamic dependencies and section 3.1 teaches static dependencies, i.e. modules}
26. *As per Claim 14* Li discloses the features as follows,  
14. A system for linking binary dependency relationships, comprising: a software system containing binaries;{Section 2 CBS} a binary dependency database that is configured to

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store static and dynamic dependency relationships relating to the binaries; {Section 3.1 teaches storing all metadata, including all types of dependencies} and a processing tool for processing the dependency relationships. {Sections 3.5 and 4 teach analysis which requires a processing tool}

27. *As per Claim 15* Li discloses the features as follows,

See Claim 2 rejection.

28. *As per Claim 16* Li discloses the features as follows,

See Claim 4 rejection.

29. *As per Claim 17* Li discloses the features as follows,

See Claim 7 rejection.

30. *As per Claim 18* Li discloses the features as follows,

See Claim 10 rejection.

31. *As per Claim 19* Li discloses the features as follows,

See Claim 12 rejection.

32. *As per Claim 20* Li discloses the features as follows,

See Claim 1 rejection.

33. *As per Claim 21* Li discloses the features as follows,

See Claim 2 rejection.

34. *As per Claim 22* Li discloses the features as follows,

See Claim 4 rejection.

35. *As per Claim 23* Li discloses the features as follows,

See Claim 7 rejection.

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36. *As per Claim 24* Li discloses the features as follows,

See Claim 8 Rejection.

37. *As per Claim 25* Li discloses the features as follows,

See Claim 10 rejection.

38. *As per Claim 26* Li discloses the features as follows,

See Claim 12 Rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cory C. Bell whose telephone number is (571) 272 2736. The examiner can normally be reached on m-f 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272 4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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**SAM RIMELL**  
**PRIMARY EXAMINER**